

REMARKS

Claims 1-29 are pending in the application. Claims 1-14 and 17-29 have been rejected. Claims 15 and 16 are objected to.

Specification

A new abstract has been presented in response to the objections to the original abstract.

Claim Rejections – 35 USC § 112

Claims 7, 8 and 21 have rejected under 35 U.S.C. §112, second paragraph. Applicants have amended these claims to correct the deficiencies noted by the Examiner. Applicants have also voluntarily made minor amendments to several other claims to more clearly recite the invention, and note that these other amendments are not made in response to any rejection. Applicants have amended claim 21 to incorporate the wording of amended claim 1, rather than original claim 1.

Claim Rejections – 35 USC § 102

Claims 1-14 and 17-29 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Pub. No. 2003/0154568 to Borland et al. (“Borland”). Applicants respectfully traverse this rejection, as Borland is not available as prior art under either §102(a) or §102(b), the publication of Borland being after the PCT filing date of this application.

Nor is Borland available as prior art under §102(e). The Borland publication was of a US patent application filed as a continuation of a PCT application filed on August 8, 2001, but that published in German, not English. Therefore, the published application is only entitled to its US filing date of March 6, 2003, under §102(e), which is later than the effective filing date of this case. Applicants can not find any subsection of §102 under which any aspect of Borland may be cited as prior art against this application.

Allowable Subject Matter

Applicants acknowledge, with thanks, the allowability of claims 15-16 if rewritten in independent form, but decline to do so at this time as the rejected base claim is still believed to be allowable.

Interview Summary

Applicants thank the Examiner for the courtesy of the telephone conference of May 7, 2008, in which the undersigned attorney raised the position detailed above with respect to the availability of Borland as prior art. No technical aspects of the invention were discussed.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment.

Applicant requests a one-month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-699US1.

Applicant : Kressner et al
Serial No. : 10/501,851
Filed : October 25, 2004
Page : 11 of 11

Attorney's Docket No.: 02894-669US1 / 06629

Respectfully submitted,



James W. Babineau
Reg. No. 42,276

Date: May 8, 2008

Fish & Richardson P.C.
One Congress Plaza, Suite 810
111 Congress Avenue
Austin, TX 78701
Telephone: (512) 472-5070
Facsimile: (512) 320-8935

11035613.doc